

BILL ANALYSIS

Background

The State Board of Barber Examiners contends that much of the current law governing the practice of barbering in Texas is outdated and no longer applicable to the profession. The board has recommended statutory changes to reflect current practices and changing trends in the hair care business. The board believes that these changes will allow it to govern the barber profession more efficiently. The board also maintains that proposed renewal provisions for specialty license and shop permits in combination with penalties for late renewals of all licenses and permits will generate additional revenue for the state.

Purpose

As proposed, H.B. 460 amends existing law to reflect changes and trends in the barber profession, including wig specialty shops and manicurist specialty shops.

Rulemaking Authority

It is the committee's opinion that H.B. 460 grants rulemaking authority to the State Board of Barber Examiners under Section 10 of this bill.

Analysis

SECTION 1. Amends Subsections (a) and (b), Article 8402, V.T.C.S., as follows:

(a) Requires persons, firms, or corporations managing specialty shops to register with and submit an application for the appropriate permit to the State Board of Barber Examiners (Board), and to hold a permit for the shop.

(b) Requires a person licensed by the Board to practice in the location for which a specialty shop permit has been issued. Prohibits the Board from adopting rules restricting a manicurist or a wig specialist from practice in a facility licensed jointly with the Texas Cosmetology Commission.

SECTION 2. Amends Article 8403, to subject the owners or operators of specialty shops and barber schools to the provisions of this section.

SECTION 3. Amends Article 8404, to subject the owners or operators of specialty shops and barber schools to the provisions of this section.

SECTION 4. Amends Article 8405, to subject persons operating specialty shops and barber schools to the provisions of this section. Clarifies language and prohibits a barber or other person affected by this chapter from serving a customer without the use of a sanitized neck strip, cloth strip, cloth towel, or paper

towel between the customer and the chair cloth. Requires the use of a hair duster.

SECTION 5. Amends Article 8406, to subject owners or managers of specialty shops and barber schools to the provisions of this section and retitles section.

SECTION 6. Amends Section 2, Article 8407a, to include "specialty shop" among the definition of those that must be duly licensed and registered in order to practice barbering.

SECTION 7. Amends Section 4, Article 8407a, to add the definitions of "manicurist specialty shop," "specialty shop," and "wig specialty shop" to this section, and to amend the definition of "barbering," "practicing barbering," or the "practice of barbering."

SECTION 8. Amends Section 6, Article 8407a, to clarify language.

SECTION 9. Amends Section 7, Article 8407a, to reduce the minimum age to 16 at which a person may be a licensed Class A Barber.

SECTION 10. Amends Section 9, Article 8407a, as follows:

(a) Deletes the requirement that barber schools or colleges to require prerequisite courses to graduate.

(b) Requires each applicant to be a student to submit an enrollment application to the Board with a nonrefundable fee of up to \$25.

(c) Prohibits the Board from approving a barber college or school unless the college or school requires certain specified hours of instruction.

(d) Requires a barber college or school that offers a refresher course to require at least 300 hours of instruction. Requires the Board to set by rule the curriculum for a refresher course.

(e) Requires a barber school or college to submit a monthly progress report to the Board regarding each attending student, and requires the report to contain certain specified information. Requires the college or school to certify to the Board that a student has completed the required number of hours and is eligible for examination.

(f) Requires a barber school or college to instruct students in all laws governing the practice of barbering in Texas.

(i) Provides the requirements for conducting classes of theory.

(j) Changes the six month postgraduate course requirement for a student teacher to 1,000 hours of instruction in a postgraduate course.

(k) Entitles a licensed barber with five years practical experience, with not less than two years' experience occurring in the period immediately before application, to apply to take the examination for teacher's certificate.

(l) Prohibits a barber school from enrolling more than one student teacher for each licensed teacher. Requires the student teacher to concentrate on teaching skills and to not be booked with customers, with violation of this requirement resulting in grounds for revocation of the student teacher's license.

(n) Requires an inspection for approval of a school or college by the Board. Provides that a barber college or school that is not approved by the Board on initial inspection is subject to reinspection. Requires the Board to set a reinspection fee in an amount up to \$500.

(o) Changes the reference to a college "certificate" to "permit."

(p) Clarifies language.

(t) Deletes a reference to enjoining assistant barbers.

SECTION 11. Amends Section 14, Article 8407a, as follows:

Sec. 14. (a) Simplifies language to allow any person who holds a barber technician license issued by the Board to perform only certain specified practices in a specific location.

(b) Requires an applicant for barber technician license to be at least 16 years of age and to meet certain course requirements.

(c) Requires the application to be on a form prescribed by the Board, accompanied by a \$10 administration fee, and filed at least 10 days before the examination.

(d) Provides that an applicant is entitled to a barber technician license if the applicant meets the requirements of this section, and pays a license fee not to exceed \$70.

SECTION 12. Amends Subsections (b) and (c), Section 15, Article 8407a, to increase from 150 hours to 300 hours the amount of instruction required for a manicurist license and to increase the application fee to \$10.

SECTION 13. Amends Article 8407a, by adding Section 15A, as follows:

Sec. 15A. (a) Prohibits a person from owning, operating, or managing a manicurist specialty shop unless the person holds a manicurist specialty shop permit issued by the Board. Authorizes a person to operate under a temporary permit until a permanent permit is issued.

(b) Requires an applicant for a manicurist specialty shop permit to submit a written application to the Board, accompanied by an

inspection fee in an amount set by the Board, not to exceed \$50. Requires the application to contain certain information.

(c) Requires the Board to issue a permanent manicurist specialty shop permit to an applicant who holds a valid manicurist license and whose shop meets certain minimum health standards.

(d) Provides that a manicurist specialty shop may be operated only under the direction of a person who holds a valid manicurist license and only to perform barbering as defined.

(e) Requires the permit to be displayed in the shop and prohibits the transfer of the permit.

(f) Prohibits a person holding a license, permit, or certificate from the Texas Cosmetology Commission from practicing under that authority at a manicurist specialty shop regulated under this Act.

(g) Provides that a permit expires on July 1 of each odd-numbered year. Authorizes the holder to renew the permit by submitting an application and a fee of up to \$50.

(h) Authorizes a permit holder to relocate the manicurist specialty shop with Board approval.

SECTION 14. Amends Section 16, Article 8407a, to increase the amount of the application fee for a wig specialist license to \$10.

SECTION 15. Amends Section 18, Article 8407a, as follows:

(a) Prohibits operation of a wig specialty shop unless the operator holds a wig specialty shop permit. Authorizes operation under a temporary permit.

(b) Requires an applicant for a wig specialty shop permit to submit a written application to the Board accompanied by an inspection fee set by the Board. Requires the application to include certain information and requires the Board to issue a temporary permit after receipt of the application and fee.

(c) Requires the Board to issue a permit to an applicant who holds a valid license and whose shop meets certain minimum standards.

(d) Requires a wig specialty shop to be operated under the direction of a person who holds a valid wig specialist license and only to perform barbering as defined.

(e) Requires a permit holder to display the permit in the shop and prohibits the transfer of the permit.

(f) Prohibits a person who holds a license, permit, or certificate issued by the Texas Cosmetology Commission from practicing under that authority at a wig specialty shop regulated under this Act.

(g) Provides that a permit issued under this section expires on July 1 of each odd-numbered year. Authorizes the renewal of the permit by submitting an application and fee of up to \$50.

(h) Authorizes a permit holder to relocate the wig specialty shop with Board approval.

SECTION 16. Amends Section 18.1, Article 8407a, to change wig school "license" to "permit."

SECTION 17. Amends Section 19, Article 8407a, to require licensees to display the original certificate or license with the licensee's photograph in a conspicuous place.

SECTION 18. Amends Section 20, Article 8407a, as follows:

(a) Provides that each certificate of registration or license issued under this Act expires two years from the date of issuance. Requires each licensed party to renew the certificate or license by the expiration date. Requires the Board to issue a renewal certificate or license upon receipt of an application and fee.

(b) Provides for the restoration of an expired license by paying a biennial renewal fee set by the Board.

(c) Provides for the renewal of licenses which have been expired for less than 5 years, requiring a delinquency fee of \$30 for each year of expiration.

(d) Allows for the renewal of a certificate of registration or a license which has been expired for more than 5 years.

SECTION 19. Amends Section 20a, Article 8407a, to include any teacher, manicurist, or wig specialist in those not required to renew certification while serving in the military, air, or naval forces of the United States.

SECTION 20. Amends Section 21, Article 8407a, to specify a medical doctor in this section as a doctor "of medicine or doctor of osteopathic medicine."

SECTION 21. Amends Section 22(a), Article 8407a, to conform language.

SECTION 22. Amends Subsections (b) and (c), Section 23, Article 8407a, to require the Board to set the amount of the fee to be paid by an applicant for certification as a barber in an amount not to exceed \$70.

SECTION 23. Amends Section 24, Article 8407a, to conform language.

SECTION 24. Amends Section 27, Article 8407a, to redesignate "the secretary" as "executive director" on the Board.

SECTION 25. Amends Section 27a(a), Article 8407a, to conform language to changes made in this Act.

SECTION 26. Amends Section 28(a), Article 8407a, to conform language to changes made in this Act.

SECTION 27. Amends Section 29, Article 8407a, to add "licenses or permits" to the provisions of this section.

SECTION 28. Amends Section 29A, Article 8407a, to add "permittees or certificate holders" to those included in the records relating to complaints kept by the Board.

SECTION 29. Amends Article 8407a, by adding Section 29E, to provide for the renewal of a permit of a school or shop which has been expired for more than 30 days, requiring a \$30 delinquency fee for each year of expiration.

SECTION 30. (a) Effective date: September 1, 1989.

(b) Applies this Act to a license, certificate, or permit issued or renewed by the State Board of Barber Examiners on or after September 1, 1989.

(c) Entitles a person who on the effective date of this Act holds a cosmetology or manicurist license issued by the Texas Cosmetology Commission, to a manicurist license issued by the State Board of Barber Examiners on application to that Board.

SECTION 31. Emergency clause.